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DEPT FOR WHA/CEN, NSC FOR V. ALVARADO

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TAGS: [PHUM](#) [GOV](#) [ECON](#) [KDEM](#) [NU](#)  
SUBJECT: CITIZEN COUNCILS DEALT BLOW BY NATIONAL ASSEMBLY

REF: MANAGUA 2466

Classified By: Classified by Ambassador Paul Trivelli for reason 1.4d

¶1. (C) SUMMARY: On November 20, the Nicaraguan National Assembly voted to override with 52 votes Sandinista President Daniel Ortega's veto of legislation to prohibit the transfer of a real measure of Executive authority to the Citizen Power Councils (CPCs). Deputies representing the Nicaraguan Liberal Alliance (ALN), the Constitutional Liberal Party (PLC), and the Sandinista Renewal Movement (MRS) voted unanimously to override the veto. Before a power outage cut short discussion and forced a roll-call vote, debate in the chamber had been heated, with Sandinista National Liberation Front (FSLN) deputies loudly proclaiming that CPC activities would continue regardless of the vote. Within hours, the Pacto-controlled Supreme Court of Justice (CSJ) issued an injunction, preventing the publication of the law. While the vote is certainly an important symbolic victory for Liberal alliance, its long-term legal impact on the CPCs is less clear. END SUMMARY.

National Assembly Overturns Ortega Veto  
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¶2. (U) On November 20, the Nicaraguan National Assembly overrode Sandinista President Daniel Ortega's veto of legislation to prohibit the legal formation of Citizen Power Councils (CPCs) as an arm of the executive branch of government. With a simple majority (47 of the 92 assembly seats) required to override the veto, 52 deputies in fact voted to override it. The 52 vote count included 22 ALN votes, 25 PLC votes, 3 MRS votes, and the votes of two former MRS deputies who defected from the party shortly after being elected - Mario Valle and Juan Ramon Jimenez. A sudden power outage mid-way through the session knocked out the electronic voting mechanism, leaving FSLN assembly president Rene Nunez to take a verbal roll call vote in the near-darkness of the assembly chamber. (NOTE: Who cast the 52nd vote is still being investigated. Instead of Jimenez, there are rumors that FSLN deputy Gustavo Porras -- who blasted ALN president Eduardo Montealegre during the assembly debate -- may have accidentally cast his vote to override the veto. END NOTE)

FSLN Deputies: "Vote Will Have no Affect on CPCs"  
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¶3. (U) The debate itself was heated, as more than 20 deputies voiced their opinions about the CPCs prior to the power blackout. PLC caucus president Maximino Rodriguez stressed the importance of citizen participation, but questioned the legitimacy of the CPCs when, according to a recent poll, 95 percent of the population indicated they did

not support them. He pledged that the PLC would work with the FSLN to support any social movement so long as it "is legal" without "a government structure on top." Echoing this sentiment, MRS deputy Victor Hugo Tinoco emphasized citizens' right to organize, but stated that the government had "no right" to recognize only one social organization as "legitimate" and to channel government funding through it. In turn, each FSLN deputy that spoke proclaimed that the CPCs would continue to operate regardless of the National Assembly's vote and that the "will of the people is stronger than the will of the Assembly." In a show of humor, FSLN deputy Zochilt Ocampo, joked that the fact that all the Liberal deputies showed up on time for the debate was a sign that the CPCs are already working well.

#### Deputies Close Assembly

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¶4. (SBU) The CPC debate had captured headlines for two weeks prior to the vote, with the PLC and ALN deputies repeatedly pledging to vote as a single bloc to override the veto, and the FSLN vowing to move forward with the CPCs regardless of the outcome. The morning of the debate, the ALN, PLC, and MRS caucuses met for over an hour to consolidate their votes. The caucuses also decided to close the session to outside observers due to concerns that CPC supporters would disrupt the debate as they had a few weeks earlier when Ortega pitched the CPCs on the Assembly floor (NOTE: Emboffs attempted to observe the session, but were turned away when assembly president Wilfredo Navarro refused to co-sign an authorization slip. Minutes later, an apologetic Montealegre confirmed by phone that the session was closed to all observers. END NOTE.)

#### Injunction Granted by Supreme Court

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¶5. (U) Immediately following the decision, the FSLN filed an injunction with the Appeals Court, seeking a delay in the publication of the Assembly's decision (officially known as Law 630). Within hours, the Supreme Court's (CSJ) Chief Justice Rafael Solis announced that the injunction had been granted and that Ortega had been notified by official correspondence not to publish Law 630.

#### COMMENT

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¶6. (C) With the override of Ortega's veto, the Liberals won a battle, but the war is not over. First, Ortega is sure to appeal the decision to the CSJ, claiming that National Assembly's vote to uphold legislation forbidding the CPCs is unconstitutional as an infringement of citizens' right to organize. If this happens, the Pacto-controlled CSJ is very likely to rule in Ortega's favor -- as evidenced by the speed with which the injunction was granted. Second, the PLC's unanimous vote against the CPCs keeps the caucus together and enables Aleman to discredit claims that the PLC/FSLN "Pacto" is alive and well. In fact, in an article published the morning of the vote, Aleman was quoted as saying that the vote would demonstrate that "there are no negotiations with the Sandinistas" in reference to rumors about discussions over the new penal code that could favor Aleman.

¶7. (C) In apparent confirmation of the FSLN deputies' claims that the CPCs will continue to move ahead with their social project whether Ortega's veto were upheld or overturned, local Managua CPC contacts seem unaffected by National Assembly wrangling, stating that they are focused on their local communities and spheres of influence. They continue to hold weekly meetings and maintain regular interaction with district and departmental level councils to voice concerns and advocate for improvements in local services. Thus, while today's National Assembly vote was an important symbolic victory for the Liberal alliance, it remains to be seen if their efforts to stop the CPCs by legal means will bear fruit.

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